

Meeting Notes
North Delta Agency Team
March 4, 2003

The following provides a summary of the North Delta Agency Team Meeting held on March 3, 2003. The group agreed to meet again on **April 3, 2003, 9:30 - 11:30**, at **Jones & Stokes' 26th Street Office (2600 V Street)**.

Attendees:

Gwen Knittweis - DWR	Collette Zemitis - DWR
Sam Garcia - J&S	Chuck Vogelsang - CALFED
Bill Dutton - USBR	Brad Burkholder - DFG
Paul Bowers - USACE	Margit Aramburu - DPC
Ken Trott - USDA	Jeff Stuart - NOAA Fisheries
Suzanne DeLeon - DFG	Jeannie Blakeslee - DOC/DCRP
April Zohn - J&S	

Members Invited but not Present:

Shanna Draheim - EPA	Rosalie Del Rosario - NOAA Fisheries
Evelyne Gulli - SLC	Frank Wernette - DFG
Dennis O'Bryant - DOC	Shelby McCoy - RWQCB
John Thomson - USFWS	Doug Morrison - USFWS
Diane Windham - NMFS	Terry Mills - CALFED
Steve Shaffer - CDFA	Pete Rabbon - DWR/Rec Board
Rod Johnson - CALFED	Rebecca Wren - USACE
Craig Stevens - J&S	Jim Starr - DFG
Kathy Dadey - EPA	Matthew Reischman - CVRWQCB
Marina Brand - DFG	Mike Jewel - USACE
Mike Finan - USACE	Patricia Fernandez - CALFED
Scott Cantrell - DFG	Bellory Fong - CALFED
Curt Schmutte - DWR	Mike Aceituno - NOAA Fisheries
Ron Ott - CALFED	Ryan Olah - USFWS

Handouts: Draft Chronology of North Delta Conceptual Alternatives Development

Notes:

I. Project Update. Gwen Knittweis provided the following updated North Delta Information:

- a. **Public Scoping Meetings.** Two public scoping meeting were hosted in February, one on February 19th in Walnut Grove, and one on February 20th in Sacramento. Both meetings were well attended, although public participation was higher at the Walnut Grove meeting. DWR is summarizing the comments received at the scoping meetings and will prepare a formal scoping report after the comment period closes on **March 15**. DWR and USACE requested the NDAT members provide written comments and suggestions to them on the project prior to the close of the comment period.

Some of the comments that were highlighted in the NDAT meeting include:

In general, the public was very receptive to the idea of dredging in the North Delta, as well construction of bridges and/or causeways.

Sacramento County expressed an interest in including their proposed flood control initiatives into the NDIP project description. This could afford them a greater opportunity to incorporate ecosystem restoration components into their proposed activities. A sensitive issue that continues is that the County must be able to address growth inducement concerns that have been raised in the past. USACE and DWR are considering this option and will address it in the formal scoping report to be published in April. Margit Aramburu also noted that the City of Elk Grove/Sacramento County may not be within the CALFED Solution Area.

- b. **EIR/EIS Schedule.** DWR is still projecting that the EIR/EIS will be finished by December 2004, however completion of USACE's required feasibility study could delay document completion. Feasibility studies typically take at least 2 years, depending on the number and complexity of the alternatives evaluated in the study, which would tentatively put the EIR/EIS/feasibility study completion date at May 2005. DWR and USACE are working together to find ways to streamline the process to meet the projected 2004 date. Paul Bowers told the group that USACE will try to use as much of the existing research as possible (e.g., hydraulic model) to minimize additional efforts. Paul also stated the USACE's preference is to release a descriptive, stand-alone EIS/EIR that would reference the feasibility report for additional technical information.
- c. **Optimization Study.** DWR is currently completing an optimization study for the NDIP. In general, optimization studies are used to identify the benefits and costs of a given project. These are weighed against each other to determine how the project sponsor can maximize the benefits of a project for the least cost, and can help determine some of the screening criteria for eliminating project alternatives from the EIR/EIS. Gwen explained that DWR will model hydrology in the project area with and without the proposed project to determine annual damages during 5, 10, 50, 100, and 200-year flood events. The expected annual damages will be compared to project costs, which in turn will be used to identify project components that maximize flood control and ecosystem restoration components. A detailed discussion of how optimization studies are completed will be presented at the joint NDIG/NDAT meeting scheduled for April 3, 2003.

Paul Bowers noted that one of the issues that USACE will have to resolve when completing the feasibility study will be finding a common way to assign values to flood control and ecosystem restoration components. If USACE is evaluating a project with only ecosystem restoration components, they typically assign values to habitats, individual species, etc. and compare the benefits and costs of each alternative in a matrix. If a project proposes only flood control alternatives, USACE simply evaluates the costs of not doing the project (i.e., damages if flooding occurs) with the cost of constructing the actual flood control facilities. These two methods are difficult to integrate for a dual purpose project. Jeannie Blakeslee noted that California State University, Chico State, is hosting a one day seminar on April 25 on the "Economic Value of Environmental Resources". She agreed to forward the seminar information to the group. Chuck Vogelsang also agreed to check within CALFED to see if there are any other ongoing efforts to determine how to assign values to ecosystem restoration components.

- d. **Delta Wide Ecosystem Restoration Steering Committee (DWERSC) Update.** The DWERSC will publish the first draft of the Delta Regional Ecosystem Restoration Implementation Plan (DRERIP) in the Fall of 2004. Individual chapters of this document will be available before it is done. An outline of the DRERIP and more information can be accessed via the CALFED website. DWR has set up a meeting with the ERP independent science board (ISB) to provide that group with an

overview of the North Delta flood control and ecosystem restoration Improvements Program. It was recommended that that meeting be used as an informational meeting, rather than a “decision making” meeting given where DWR and USACE are at in the process of alternative development. Margit Aramburu asked that DWR let the group know if they will be presenting during a portion of the meeting that is open to the public.

- e. **Species Models.** April Zohn updated the group on the species models that are being prepared to facilitate the impact assessments for species that will be covered by the ASIP. Jones & Stokes has submitted five species models (e.g, delta smelt, Sacramento splittail, chinook salmon, greater sandhill crane, and intertidal plants) to state and federal resource agencies for review and comment. These models will also be submitted to UCD for peer review. DWR and USACE are proposing to evaluate impacts to all other species addressed in the ASIP by qualitative assessment. Several members asked how species were selected to be modeled and why certain species weren't modeled. Jones & Stokes is in the process of preparing a table that will describe the rationale behind these decisions. The table will be distributed to the ASIP Committee in the near future.

II. History of Conceptual Alternatives Development.

Gwen Knittweis provided the group with a draft chronology outlining how ideas for conceptual alternatives for NDIP have been developed to date. The focus of the chronology was on the presentations to the NDAT and ASIP committees over the past two years. She mentioned that many of the ideas were originally presented in the 1990 Draft North Delta Improvements EIR/EIS, and reinforced in the CALFED White Paper on North Delta Improvements. In general, Gwen emphasized that DWR and USACE want agency members and stakeholders to take active part in alternatives development and expressed a willingness to meet with agencies or stakeholders individually. DFA requested a meeting and Gwen agreed to set up meeting. Gwen will also maintain an updated copy of the chronology for the administrative record.

III. Federal Lead Agency & Regulatory Process Implications

April Zohn and Paul Bowers explained how USACE Planning's role as federal lead agency could affect the federal permitting processes. Under Section 404 of the Clean Water Act, a project proponent must obtain a permit from USACE anytime they propose to discharge dredge or fill material into a water of the U.S. However, if USACE Planning is the federal lead agency under NEPA for a project, there is an exemption in the Clean Water Act that states that (1) if information on the effects of the discharge of dredged or fill material, including application of the Section 404(b)(1) guidelines, are included in the EIS, and (2) if the EIS is submitted to Congress before the actual discharge takes place and prior to either authorization for the proposed project or appropriation of funds for its construction, a Section 404 permit will not be required. There are similar provisions for obtaining a Section 401 water quality certification, however, Paul Bowers stated that USACE will still obtain the required state certification before seeking authorization from Congress.

Action Items:

1. April Zohn will provide the group with an electronic copy of the regulatory compliance chart outlining major agency actions, relative to the NEPA process, that will occur over the course of the NDIP. This should benefit newer members of the committee and provide them context on the purpose of the NDAT.
2. Jeannie Blakeslee will provide the group with information on the Chico conference in April.
3. April Zohn will provide the ASIP Committee with a table describing why species models will be used to complete impact assessments for the proposed species but not others.

4. All NDAT members will provide DWR/USACE with public scoping comments before March 15, 2003.
5. DWR will set up a meeting and meet with DFA to discuss DFA NDIP alternatives development concerns.